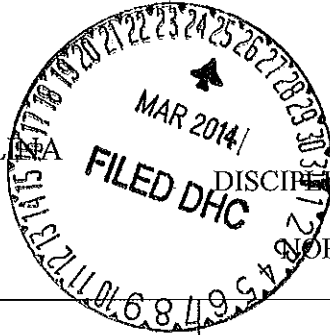


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
14 DHC 7

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

JENNIFER N. FOSTER, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Jennifer N. Foster ("Foster" or "Defendant"), was admitted to the North Carolina State Bar on September 8, 1995, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

Upon information and belief:

3. During all or part of the relevant periods referred to herein, Foster was engaged in the practice of law in the State of North Carolina and practiced in Asheville, Buncombe County, North Carolina.

CLAIM FOR RELIEF

4. In October 2011, Foster was an organizer and member of a local "Occupy Asheville" movement in Asheville, North Carolina.

5. After arrest warrants were issued for some of the "Occupy Asheville" members, on Saturday, November 5, 2011 Foster visited the Buncombe County Detention Facility ("BCDF") and entered an area designated by a sign as the "Magistrate's Court."

6. When she entered the Magistrate's Court area referenced in Paragraph 5 above, Foster was annoyed and agitated at the issuance of the warrants for the Occupy Asheville members.

7. Foster introduced herself to Magistrate Amanda R. Fisher ("Magistrate Fisher"), one of the magistrates on duty, and identified herself as an attorney who was present on behalf of the arrested Occupy Asheville members.

8. Foster then asked Magistrate Fisher, "[w]hat the hell is going on around here" with these warrants for the Occupy Asheville members?

9. Magistrate Fisher reminded Foster that, as an attorney, she should be aware that the magistrate's office is a courtroom and warned Foster to "watch your language."

10. Foster requested a list of the Occupy Asheville members for whom warrants had been issued.

11. When Magistrate Fisher replied that, under the Magistrate office's policy, she could not provide the names of persons with outstanding arrest warrants, but she could check to see if there was an outstanding warrant for Foster, Foster said, "Okay, fine."

12. Magistrate Fisher checked for any outstanding warrants for Foster and reported to her there were none.

13. Foster then said to Magistrate Fisher, "what the fuck is going on around here?" and "this is a bunch of bullshit."

14. Magistrate Fisher again warned Foster not to curse in the courtroom and asked Foster to leave the Magistrate's Court area.

15. In response, Foster stated, "Oh, yeah, I said 'fuck,' " "This is fucking ridiculous," and "This is fucking crazy."

16. After the third or fourth time Foster used the expletive "fuck," Magistrate Fisher informed Foster she was being held in contempt, but Foster continued using the expletives.

17. Foster immediately exited the Magistrate's Court in the BCDF, continuing the expletives as she walked towards and out of the Magistrate's Court door.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

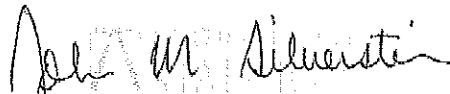
- a) By using profanity before the magistrate judge in the magistrate's courtroom, and by continuing to do so after being warned by the

magistrate judge, Defendant engaged in undignified or discourteous conduct that is degrading to a tribunal in violation of Rule 3.5(a)(4)(B), and/or engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d).

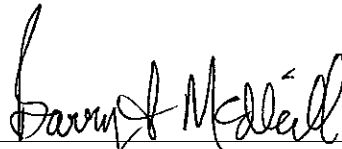
WHEREFORE, Plaintiff prays that:

- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28(a) and § .0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C.A.C. 1B § .0114), as the evidence on hearing may warrant;
- (2) Defendant be taxed with the fees and costs permitted by law in connection with this proceeding; and
- (3) For such other and further relief as is appropriate.

The 25th day of March, 2014.



John M. Silverstein, Chair
Grievance Committee



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